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OUTLAW dinner addresses immigration rights

A chill rain fell outside, but inside the University Inn and Conference Center a sense of camaraderie and shared purpose lent warmth to the second annual dinner sponsored by OUTLAW, UB Law's lesbian, gay, bisexual and friends student group. The Feb. 28, 1998, dinner was co-sponsored by the Bar Association for Human Rights of Western New York.

"A Work in Progress: Justice for Lesbians, Gay Men, & Bisexuals" was the theme of the gathering, which was attended by about 75 people. The topic of the keynote address was U.S. immigration law and its impact on gays and lesbians, featuring speaker Lavi Soloway, national coordinator of the Lesbian and Gay Immigration Rights Task Force.

Dean Barry B. Boyer, in his welcoming remarks, noted that "Immigration as a focus is an increasingly important one, both in Western New York and in the profession as a whole. With the advent of several free trade agreements, the stakes in opening the borders are very high and getting higher every day." And of OUTLAW he said, "We are really grateful for your work, for representing your group and making the Law School a better place."

Kristin Long '98 of OUTLAW then presented the dean, who is stepping down at the end of this academic year, with a token of appreciation for his support of the group — a tiny pink closet, to which Boyer responded with laughter, "That's in a class of its own."

The evening's speaker was introduced by UB Law Professor Estelle T. Lau, whose scholarly work focuses on immigration law. "I believe there are few areas of law that touch so many people's lives," she said. "After all, we are a nation of immigrants."

Lavi Soloway began by noting that until the Immigration Act of 1990, gays and lesbians were classified under U.S. immigration law as "sexual deviants" and automatically excluded from admission to the United States. The 1990 act was a victory, he said, and a great one. But at the same time, current immigration law imposes great hardships on homosexuals when binational couples seek to reunite.

"A lot of people think lesbian and

"...People think lesbian and gay persons have it pretty good these days... in actual fact, very little has changed ... And immigration law is a perfect example of that."

gay persons have it pretty good these days," Soloway said wryly. "In actual fact, very little has changed in the law regarding lesbian and gay families. And immigration law is a perfect example of that."

U.S. immigration law strongly favors the unification of families, he said, and thus spouses of U.S. citizens are strongly favored for admission to the country. But because gay marriage is not recognized under federal law (despite efforts in some states, notably Hawaii, to

codify gay unions), even committed gay relationships may be torn apart by the Immigration and Naturalization Service. That is, there are no special provisions for the gay or lesbian foreigner whose partner is a U.S. citizen.

"There are 900,000 people a year who emigrate to the United States," Soloway said. "And two-thirds of them are admitted based on family relationships. Family-based immigration is the bedrock of U.S. immigration law. It's based on the principle that we would not want to separate families on an arbitrary basis because of their citizenship."

Soloway, who is a Canadian citizen working in New York, said that until the 1990 law, "I couldn't legally enter the United States even for an hour — not to visit, not to study, not to work. When I came here to study, if someone had asked me if I was homosexual and I had told the truth, I could have been excluded."

The current law, he said, doesn't result in denial of permission to immigrate for a lot of people. Instead, it works to keep resident aliens already in the United States from pursuing citizenship. "Many gay and lesbian immigrants are afraid to approach the INS because they're afraid of being deported," he said.

And current immigration law has spawned dozens of horror stories of committed gay and lesbian couples caught in a Catch-22 — stories that the Lesbian and Gay Immigration Rights Task Force has gathered as ammunition in its fight to change the law. There is, for example, the Miami man who can see his partner only one day a week, because the partner works on a cruise ship and can visit only when the ship docks. He can't apply for citizenship and doesn't want to risk applying for legal

alien status. Another couple both work on board a cruise ship, hate their jobs, but they're stuck because they cannot legally establish residence in the United States.

"This not only impacts families here," Soloway said, "but it impacts families abroad as well. It not only inconveniences families, it destroys families."

Soloway noted that U.S. immigration law bars anyone who is HIV-positive from entering the country — an exclusion shared only by Iran and Russia, he said. But there are exceptions for those who have a spouse or child who is an American citizen, "so it seems apparent that this HIV exclusion was aimed at gays."

In 1994, Soloway said, Attorney General Janet Reno decreed that gays and lesbians qualified as a "particular social group" for the purposes of U.S. asylum law. That means that they can seek political asylum if they fear persecution in their home countries based on



Left to right: Lavi Soloway, Kristin Long '98, Bill Goodman and Tennessee Dickinson '99



Associate Professor Estelle T. Lau

their sexual orientation. But even this advance, Soloway said, is fraught with peril. "The risk is very great," he said. "If you lose your case, you'll get deported, and if you're going back to a country where you're going to get killed for being gay, it doesn't make much sense to apply for asylum."

There's an ironic twist to Soloway's own story: He said he is close to winning permanent resident alien status, despite being openly gay. The kicker: The Immigration and Naturalization Service is granting him a waiver because his work on behalf of gay and lesbian immigrants is "in the national interest." ■



Kristin Long '98 presents Dean Barry B. Boyer with a tiny pink closet as a token of appreciation

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PHOTOS: JOHN HICKEY